

Dbrendel.txt

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1           IN THE UNITED STATES DISTRICT COURT FOR THE  
2                   WESTERN DISTRICT OF PENNSYLVANIA  
3       CONSOLIDATION COAL COMPANY,       )  
4                   Plaintiff,                )  
5                   vs.                        )  
6       UNITED STATES DEPARTMENT OF       )  
7       THE INTERIOR, NATIONAL PARK       )  
8       SERVICE,                            )  
9       and                                    )  
10      CAROL D. SCHULL, individually       )  
11      and in her capacity as the           )  
12      Keeper of the National Register     )  
13      of Historic Places,                 )  
14      and                                    )  
15      ROY BRENDDEL and DIANE BRENDDEL,    )  
16                   Defendants.               )

Civil Action  
No. 00-2120

14

15

16

DEPOSITION OF: DIANE F. BRENDDEL

17

18

19

DATE: February 8, 2006  
Wednesday, 9:30 a.m.

20

21

LOCATION: Thorp Reed & Armstrong  
14th Floor  
One Oxford Centre  
Pittsburgh, PA 15219

22

23

TAKEN BY: Consolidation Coal Company

24

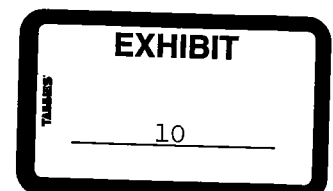
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REPORTED BY: Keith G. Shreckengast, RPR  
Notary Public  
AKF Reference No. KS92307

□

2

1           DEPOSITION OF DIANE F. BRENDDEL,  
2       a witness, called by the Plaintiff for examination,  
3       in accordance with the Federal Rules of Civil  
      Procedure, taken by and before Keith G. Shreckengast,  
      RPR, a Court Reporter and Notary Public in and for  
      the Commonwealth of Pennsylvania, at the offices of  
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9 to ask questions about a Complaint that you  
10 have superseded with an Amended Complaint.  
11 It's not going to be relevant.

12 BY MR. KATARINCIC:

13 Q. Go ahead, ma'am. Have you ever seen 12 and  
14 12A?

15 A. This looks familiar, so I must have seen this  
16 at some point.

17 MR. HOOK: She's referring to 12.

18 Q. You're referring to document No. 12?

19 A. Yes.

20 Q. Go to the other one, please, 12A.

21 A. I'll tell you the truth, I've seen so many  
22 different weird things that I don't understand,  
23 that I could have seen this or not seen it and  
24 I have no idea.

25 Q. Did you speak to anybody in connection with

□

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1 preparing information that was put into this  
2 document 12A, which is a Second Amended Answer,  
3 Counterclaim and Third Party Complaint?

4 A. I have no idea.

5 Q. No idea?

6 A. See, to you this is normal stuff, to me this  
7 is --

8 Q. what I asked you was did you meet with anybody  
9 to discuss facts that should or shouldn't be  
10 placed into this document, that was all?

11 A. I don't think so. If I did see it, I don't  
12 remember.

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13 MR. KATARINCIC: We're going to go  
14 through this Complaint to verify your  
15 understanding of certain facts. So we'll take  
16 a break for lunch. I suggest you look at that,  
17 so we can go more quickly. We'll break for  
18 about an hour.

19 MR. HOOK: On behalf of Mr. Brendel,  
20 there have been brought to this deposition, in  
21 response to the request for documents at the  
22 deposition seven boxes of documents from the  
23 Brendels' responses. We have asked that these  
24 boxes not be delved into in our absence. We're  
25 just beginning to take a break for lunch. Some

□

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1 of these boxes contain materials that are  
2 unique, they're historical, they're one of a  
3 kind, they're irreplaceable. They are not  
4 copied, nor are there copies made of them to  
5 our knowledge. We're very concerned that any  
6 of these things would be misplaced, damaged, or  
7 lost in our absence. We have asked  
8 Mr. Katarincic if he would agree not to delve  
9 into these boxes in our absence, and it's my  
10 understanding that he refuses to agree to that,  
11 that he wants to go through these boxes while  
12 we are not present.

13 MR. KATARINCIC: These are now  
14 exhibits, marked exhibits, pursuant to a  
15 subpoena. They're here. I asked you a week  
16 ago to produce these to avoid this very thing.  
17 I have a right to go through exhibits, marked

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18 exhibits.

19 MR. HOOK: well, as a matter of fact  
20 they've been marked, but they have not been  
21 introduced into the record. And they've not  
22 been identified. And again, we are requesting  
23 that they not be disturbed in our absence. And  
24 I'm going to stack them up here in the corner,  
25 and I would like them to be there when I get

□

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1 back.

2 - - - -

3 (Luncheon recess at 11:52 a.m. At 1  
4 p.m., the deposition was reconvened as  
5 follows):

6 - - - -

7 MR. KATARINCIC: Mr. Hook, I've gone  
8 through the seven boxes you brought here this  
9 morning. The only four that seem to have  
10 anything relevant are the four on the table.  
11 The others are not, so --

12 MR. HOOK: Can you tell us what  
13 numbers those are?

14 MS. RUSHAK: 3, 4, 5 and 2.

15 MR. HOOK: What we'll do is we'll  
16 have those copied by a copy place and ask you  
17 to reimburse the cost of copying.

18 MR. KATARINCIC: Well, no, those are  
19 in the custody now of the reporter.

20 MR. HOOK: No, they're not.

21 MR. KATARINCIC: Yes, they are.

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22 MR. HOOK: They're leaving with me.

23 MR. KATARINCIC: And he will be asked  
24 to copy them.

25 MR. HOOK: No, I explained to you,

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1 Mr. Katarincic, before I brought these up that  
2 the ground rules were that I would bring them  
3 up here. I would let you examine them. I  
4 would take them back and copy them as you  
5 requested. That's what's going to happen here.

6 MR. KATARINCIC: The only thing you  
7 asked to take out of here were those, I don't  
8 know, the very thin sheets of paper with  
9 drawings on. And that was all that's going to  
10 be taken out of here.

11 MR. HOOK: Mr. Katarincic, I'm taking  
12 all of these boxes with me. I brought them  
13 here, and they're going to leave with me.

14 MR. KATARINCIC: We'll call the Court  
15 and see what they say.

16 MR. HOOK: You better call right now,  
17 because they're going to be leaving when I  
18 leave.

19 MR. KATARINCIC: That's good. We  
20 have no way of knowing -- Then I'll identify  
21 everything in those four boxes for the record.

22 MR. HOOK: If you want to do that.

23 MR. KATARINCIC: I'll ask the witness  
24 questions about it, that's how I'll do it.

25 MR. HOOK: Whatever you want to do,

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1 Joe.  
2 MR. KATARINCIC: Do I understand  
3 you're the custodian of these exhibits?  
4 THE REPORTER: That's my  
5 understanding.  
6 MR. KATARINCIC: As the custodian,  
7 you have no right to take them.  
8 MR. HOOK: I gave you the ground  
9 rules when I brought them up here. I told you  
10 exactly what was going to be done. Now you're  
11 trying to change that.  
12 MR. KATARINCIC: One box you said.  
13 MR. HOOK: No, I said everything that  
14 we brought up was containing things that are  
15 unique, personal to the Brendels, and could not  
16 be duplicated.  
17 MR. KATARINCIC: Can't be duplicated?  
18 How are you going to duplicate them?  
19 MR. HOOK: The originals cannot be  
20 duplicated. These are original photographs  
21 from their family albums that cannot be  
22 duplicated if they're lost.  
23 MR. KATARINCIC: We'll call the  
24 Court.  
25 BY MR. KATARINCIC:

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1 Q. I was going through my notes here. Did you  
2 indicate to me that you did not contemplate  
3 ever replacing the Thrall House, you didn't

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4 want to build another house?

5 A. No.

6 Q. You didn't want to replace this at all?

7 A. No.

8 Q. That was never discussed?

9 A. No.

10 Q. I was looking, if I can find it hurriedly --

11 Did you see, Mr. Hook sent a letter on December

12 8, 2005 to the Pennsylvania Department of

13 District Mining Operations, Mr. Plassio?

14 MR. HOOK: Don't answer it until he

15 shows you the letter.

16 MR. KATARINCIC: I haven't asked a

17 question yet.

18 BY MR. KATARINCIC:

19 Q. In here he says the following --

20 MR. HOOK: Do you have a copy to show

21 her?

22 MR. KATARINCIC: That's your letter.

23 MR. HOOK: Show her the letter.

24 MR. KATARINCIC: I will show her the

25 letter, if she wants to sit over here. I'll

□

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1 give it to her when I'm done reading it.

2 BY MR. KATARINCIC:

3 Q. This is on the bottom of page 3, page 3 of a

4 letter of December 8, '05. Last paragraph: A

5 further point should be made, there has been

6 some discussion that the Brendels may replace

7 the Ernest Thralls house and the Ernest Thralls

8 tenant house rather than repair them. Has

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9           there been such discussions?  
10                   MR. HOOK: Show her the letter.  
11           You've taken something out of context. Show  
12           her the entire document before you ask the  
13           question.  
14 Q.       Have you ever had such discussions?  
15                   MR. HOOK: Don't answer the question  
16           until he shows you the document.  
17 Q.       Have you ever had such discussions?  
18                   MR. HOOK: Don't answer the question  
19           until he shows you the document.  
20 Q.       Do I understand you say there have been no such  
21           discussions?  
22                   MR. HOOK: Don't answer the question  
23           until you are show that document that he's  
24           reading from.  
25 Q.       Were there ever such discussions?

□

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1                   MR. HOOK: Same instruction.  
2                   MR. KATARINCIC: Will you note that  
3           to be reproduced immediately, that part of the  
4           transcript.  
5 BY MR. KATARINCIC:  
6 Q.       Forget the document, have you ever heard that  
7           somebody was representing on your behalf to the  
8           government of Pennsylvania that you were  
9           contemplating replacing this house?  
10 A.       No.  
11 Q.       You never authorized anybody to say that?  
12 A.       No.



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13 Q. So if this is a false statement to the state,  
14 you're not responsible for it?

15 MR. HOOK: Do not answer it. He has  
16 not shown you that document. It's quite  
17 outrageous for him to take a sentence out of  
18 context and trying to ask you a question about  
19 it. Just don't answer it.

20 Q. Are you aware whether anybody ever represented  
21 to the state that you and your husband,  
22 Mr. Brendel, were contemplating replacing the  
23 entire Thrall House?

24 A. No.

25 Q. You would not have authorized anybody to say

□

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1 that, would you?

2 A. No.

3 Q. Let's go back then. Do you have what they call  
4 the Second Answer, Counterclaim and Third Party  
5 Complaint, I think it's Exhibit 12A if I'm not  
6 mistaken?

7 A. Yes.

8 Q. Maybe I asked you this before lunch, if I did  
9 I'm sorry, have you ever seen this document  
10 before?

11 A. Truthfully I can't remember.

12 Q. You can't recall?

13 A. I really can't. I've looked at so many  
14 documents over the years, that I really don't  
15 remember.

16 Q. This gentleman who signed the certificate of  
17 service, Michael Nixon, who is he?

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- 18 A. He is another one of our lawyers.  
19 Q. You met him? Have you ever met him?  
20 A. Oh, yes.  
21 Q. And you've talked to him about this case?  
22 A. Yes.  
23 Q. How did you happen to find him?  
24 A. I don't know how he was found, frankly.  
25 Q. You didn't find him?

□

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- 1 A. No.  
2 Q. Mr. Hook did?  
3 A. It would be something I would assume.  
4 Q. well, when he was introduced to you, what were  
5 you told?  
6 A. I was told this is a lawyer who is going to  
7 help us.  
8 Q. And who told you that?  
9 A. Mr. Hook.  
10 Q. Let's start going through this document, then,  
11 please. Go to page I believe it's 5. There's  
12 a paragraph number 31. Do you see that?  
13 A. Yes.  
14 Q. It says there: The plaintiff had actual notice  
15 and commented and participated in the Thralls  
16 historic property listing process. Do you know  
17 that the plaintiff, Consolidation Coal, had  
18 knowledge of the listing process?  
19 A. I was told that.  
20 Q. By whom, ma'am?  
21 A. By Mr. Nixon, I believe.

22 Q. Mr. Nixon. Anybody else?

23 A. I can't think of anyone else.

24 Q. Did he tell you the basis for knowing that, how  
25 he got to know it?

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1 A. No. I accepted his word.

2 Q. Sure, I understand. You say and participated  
3 in the historic property listing process. Do  
4 you know that's true?

5 A. I just know what I was told by my lawyer.

6 Q. Mr. Nixon?

7 A. Yes.

8 Q. So the averments of paragraph 31 concerning  
9 actual notice, commented and participated,  
10 those statements, those facts you got from  
11 Mr. Nixon?

12 A. I do believe, yes.

13 Q. Anybody else that you can think of?

14 MR. HOOK: Joe, you're repeating  
15 yourself.

16 Q. Anybody else?

17 MR. HOOK: Move it along. You've  
18 asked that question twice.

19 MR. KATARINCIC: I didn't ask anybody  
20 else.

21 MR. HOOK: Yes, you did ask anybody  
22 else. Go back to where he asked did anybody  
23 else tell you that.

24 - - - -

25 (The record was read back by the Reporter.)

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1                                   - - - -  
2                   MR. KATARINCIC: There's your  
3           question.  
4                   MR. HOOK: Don't ask it again. I'm  
5           not going to put up with this repeated picayune  
6           question, question, question on the same thing.  
7           Move it along.  
8                   MR. KATARINCIC: Would you repeat the  
9           question to the witness?  
10                  MR. HOOK: She's not answering it  
11           again.  
12                  MR. KATARINCIC: I'm just building a  
13           record.  
14                  MR. HOOK: You're repeating the  
15           record.  
16                  MR. KATARINCIC: To show the judge  
17           your conduct. Read the question, and indicate  
18           in the record what question you repeated to  
19           her.  
20                  THE REPORTER: "Question: So the  
21           averments of paragraph 31 concerning actual  
22           notice, commented and participated, those  
23           statements, those facts you got from Mr. Nixon?  
24           Answer: I do believe, yes. Question: Anybody  
25           else that you can think of?"

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1                   MR. KATARINCIC: She's not going to  
2           answer it?  
3                   MR. HOOK: She's already answered it.

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4 MR. KATARINCIC: For that reason,  
5 she's not going to answer it?

6 MR. HOOK: why should she answer it  
7 twice?

8 MR. KATARINCIC: Okay, now you've  
9 stated your position. That's all I wanted on  
10 the record.

11 BY MR. KATARINCIC:

12 Q. Do you have any documents, any writings in your  
13 possession, or have you ever seen any  
14 documents, any kind of a writing that support  
15 the allegations of paragraph 31, that  
16 Consolidation Coal had actual notice and  
17 commented and participated in the Thralls  
18 historic property listing?

19 A. No.

20 Q. Has anyone shown you anything of that sort?

21 A. No.

22 Q. That would include Mr. Nixon?

23 A. Yes.

24 Q. Paragraph 39, page 6, your lawyers aver, quote,  
25 paragraph 39, quote: At all times relevant and

□

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1 material herein, the historical property is the  
2 Thralls House. Do you see that?

3 A. Uh-huh.

4 Q. Now as I understand today, you're saying the  
5 historical property is not only the house, but  
6 the pigpen, the chicken coops and the garages  
7 and so forth?

8 A. Right.

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9 Q. It's more than the Thralls House; is that  
10 right?  
11 A. Yes, it is.  
12 Q. Do you know any reason why in the pleading  
13 filed in Federal Court it was indicated that  
14 the Thralls House was the historical property?  
15 A. I'm just assuming that by saying Thralls House  
16 it was meant the whole compound.  
17 Q. Well, House is capital.  
18 A. Well, that's what it's called in the official  
19 document, so I'm assuming that means all that's  
20 involved in the Thralls House.  
21 Q. The dirt, too, the land, the real estate,  
22 everything?  
23 A. Uh-huh.  
24 Q. It doesn't say the historical property is known  
25 as the Thralls House, does it?

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1 A. No.  
2 Q. And you taught school how many years?  
3 A. This is not my area of expertise. And in my  
4 mind when it's called Thralls House and they're  
5 both capitalized, to me that means the entire  
6 compound of the Thralls House.  
7 Q. Do you have any writings to support that, that  
8 that's what it means?  
9 A. No, I do not.  
10 Q. Go to paragraph 45, please. It says there that  
11 the Pennsylvania -- the PASHPO and the PHMC,  
12 that would be the Pennsylvania Historical

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- 13 Museum Commission, I don't know what the first  
14 one is, fully considered Consolidation Coal  
15 Company's comments regarding the historic  
16 Thralls House. What's your facts to support  
17 that statement?
- 18 A. You would have to ask my lawyer.
- 19 Q. You don't know?
- 20 A. No.
- 21 Q. Which lawyer would that be?
- 22 A. I'm assuming it would be Mr. Nixon.
- 23 Q. Did he discuss that with you?
- 24 A. I believe he told me that, yes.
- 25 Q. He told you that was the fact?

□

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- 1 A. Yes.
- 2 Q. And you of course accepted what he told you?
- 3 A. Yes, I did.
- 4 Q. Do you know of any writings, documents, any  
5 kind of a piece of paper that would support the  
6 allegations of paragraph 45 that Consol -- that  
7 the PHMC and the PASHPO considered Consol's  
8 comments regarding the Thralls House?
- 9 A. I do not know of any papers.
- 10 Q. Did Mr. Nixon tell you that he had some proof  
11 of those allegations in that paragraph?
- 12 A. I believe at the time I assumed that he did.  
13 Otherwise, he would not have --
- 14 Q. Did he tell you I have a filing with the  
15 Commission, I have a piece of paper, I have a  
16 letter that backs me up on this?
- 17 A. I don't recall.

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18 Q. would you go to paragraph 55, please. would  
19 you read that paragraph with the three  
20 subparagraphs under it just to yourself?  
21 A. I did.  
22 Q. Have you finished it?  
23 A. Yes.  
24 Q. You say there that Mr. Hoffman made false  
25 and/or misleading statements. what are the

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1 false or misleading statements that you are  
2 aware of, yourself, that he made?  
3 A. well, he says that the preservation law has  
4 been abused. And I do not believe that to be  
5 correct. That certainly is false and  
6 misleading. He says that our home flat-out  
7 does not meet the criteria under the law.  
8 whereas it would appear that it does, since it  
9 did make it onto the National Register. As for  
10 the third comment, it is what it is.  
11 Q. You think that's an untrue statement, the third  
12 paragraph of 55?  
13 A. I don't know.  
14 Q. So you don't know whether it's true or not,  
15 that he said that?  
16 A. I'm assuming he did say that.  
17 Q. what is your basis for the assumption?  
18 A. That he was quoted in the paper.  
19 Q. You're saying that these statements in some  
20 sort are defamatory?  
21 A. Certainly the first two are.



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22 Q. what is defamatory in number 1?

23 A. That he's saying we have abused the

24 preservation law, which makes it appear that we

25 have done something illegal or unlawful to

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1 abuse it.

2 Q. And the second one?

3 A. To say that our home and our property flat out

4 does not meet the criteria is certainly false,

5 because it obviously did meet the criteria or

6 it would not have been put on the Register.

7 Q. You understand, I take it, that's his opinion,

8 that it doesn't meet the criteria?

9 A. Right, which makes it appear that there's

10 something wrong with us that we would be

11 getting our house on the Register.

12 Q. Do you know a basis for his opinion in

13 paragraph 2?

14 A. The basis for his opinion is that he does not

15 want us to meet the criteria.

16 Q. You know that, or are you surmising that?

17 A. I would surmise that.

18 Q. How about the opinion in the first paragraph of

19 Mr. Hoffman, you understand that's his opinion,

20 don't you, that the preservation laws have been

21 abused?

22 A. That may be his opinion, but when he says

23 something like that, he abuses the opinion of

24 us.

25 Q. So paragraphs 1 and 2 are opinions, but you say

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1 they're false?

2 A. Exactly.

3 Q. In number 3 he says the company was moving  
4 ahead with its plans despite opposition. Is  
5 there anything false about that?

6 A. No.

7 Q. How about number 3, our mining and mitigation  
8 plans have been reviewed and accepted by all  
9 the agencies and we are proceeding, anything  
10 false about that?

11 A. I would assume that was true.

12 Q. Go to the next paragraph, 56, 1, 2 and 3  
13 subparts. Let's read them. I'll read them on  
14 page 9, ma'am. The National Register, it's in  
15 brackets, listing was rushed through without  
16 giving interested parties, including the coal  
17 company, the opportunity to comment, Consol's  
18 spokesman, Tom Hoffman, said Thursday. You  
19 realize that's his opinion?

20 MR. HOOK: I'm going to object to the  
21 extent you're asking the witness to make any  
22 type of legal conclusion.

23 MR. KATARINCIC: It's not a legal  
24 conclusion, Mr. Hook.

25 MR. HOOK: If you're asking her to

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1 make a legal conclusion, I'm objecting.

2 MR. KATARINCIC: Your objection is  
3 noted. Read my question back.

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4

- - - -

5 (The record was read back by the Reporter.)

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- - - -

7 A. I realize that it is his opinion, but I also  
8 realize that it is his opinion as a  
9 spokesperson for Consolidation Coal Company,  
10 not a personal opinion, but the opinion of the  
11 company.

12 Q. Let's go to number 2. We think this is a case  
13 someone decided at the last minute, to rush  
14 through a listing so the owners would have  
15 additional leverage in dealing with the coal  
16 company, he said. The leverage could come into  
17 play for instance in negotiations regarding  
18 damages caused by mining, he said. You realize  
19 that's his opinion, isn't it?

20 A. Again, as a spokesperson for the company.

21 Q. well, I understand that, but this is his  
22 opinion, you're saying as a spokesman?

23 MR. HOOK: I'm making an objection as  
24 to any request for her to make a legal  
25 conclusion.

□

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1 Q. Go ahead, ma'am.

2 A. I believe that was a very malicious thing to  
3 do.

4 Q. You mean to give his opinion?

5 A. To give his opinion and make it appear as if it  
6 were true as a company spokesperson.

7 Q. I understand that, but as a spokesman for  
8 Consol, as you say, he said it's decided at the  
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9 last minute to push the listing?

10 A. That's not his personal opinion, that's his  
11 opinion as a spokesperson for the company.

12 Q. For Consul, I understand. And the rest of it,  
13 the owners would have additional leverage in  
14 dealing with the coal company, that also is an  
15 opinion?

16 MR. HOOK: Same objection to the  
17 extent you're asking the witness to make a  
18 legal conclusion.

19 Q. You can answer.

20 A. What was the question?

21 - - - -

22 (The record was read back by the Reporter.)

23 - - - -

24 MR. HOOK: Same objection to the  
25 extent you're asking the witness to make a

□

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1 legal conclusion. It's objected to.

2 Q. Go ahead.

3 A. Yes.

4 Q. So it's your opinion that's an opinion?

5 A. Yes.

6 Q. I take it you would also say the same as to the  
7 words the leverage could come into play for  
8 instance in negotiations regarding damages  
9 caused by mining, he said, you would also say  
10 that's an opinion he gave, but is really the  
11 opinion of the coal company?

12 MR. HOOK: Same objection to the

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13 extent you're asking the witness to make a  
14 legal conclusion.  
15 Q. Go ahead, ma'am.  
16 A. Yes.  
17 Q. Then the next one, 3, he says: We are not  
18 getting anything -- I'm sorry, we are not  
19 getting out of anything by filing the lawsuit,  
20 Hoffman said. Do you know if that's true or  
21 false?  
22 A. I have no idea.  
23 Q. Even if it is successful -- this is in  
24 paragraph 3 of paragraph 56, quote: Even if it  
25 is successful in removing the house from the

□

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1 Register, Consol would still be required to  
2 follow the plan, because the house remains  
3 eligible for a listing, he said. Is that a  
4 false statement?  
5 A. I have no idea.  
6 Q. You understand that's his opinion of the coal  
7 company, isn't it?  
8 MR. HOOK: Same objection to the  
9 extent you're asking the witness to make a  
10 legal conclusion, it's objected to.  
11 Q. Go ahead.  
12 A. I answered it, I have no idea.  
13 Q. So you don't know whether it's true or false?  
14 A. No, I don't.  
15 Q. But from your perspective this is an opinion of  
16 the coal company?  
17 A. I'm assuming it is.

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18 Q. You don't know otherwise, do you?  
19 A. No.  
20 Q. Go to number 57. Hoffman caused or allowed a  
21 letter to be wrote to the editor of the  
22 Post-Gazette regarding the Brendels and their  
23 home, the historical Thralls House titled  
24 Readers Should Know the Rest of the Story  
25 Regarding the Brendel Property to be published

□

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1 with false and misleading statements in print,  
2 and on the whole worldwide web of the internet  
3 by the Post-Gazette. He said that this case is  
4 about money. Is that true, it's about money to  
5 repair your house?  
6 A. I don't know if that's in context or not.  
7 Q. well, isn't that what you're basically  
8 contending here, your house should be repaired  
9 and you want damages in the form of money, or  
10 the damage from the mining?  
11 A. As I recall that article, though, that is taken  
12 out of context.  
13 Q. well, I don't know what you mean by context,  
14 but is this not your whole case, is being  
15 adequately compensated for the damage?  
16 MR. HOOK: Objection, you're asking  
17 her about this phrase, which says this case is  
18 about money. You're trying to take it out of  
19 context and twist the characteristic of that  
20 article.  
21 MR. KATARINCIC: Mr. Hook, I don't

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22 know how long you've been at the Bar, but  
23 everything you've done in that last statement  
24 is contrary to the Federal Rules, to the spirit  
25 and the written Federal Rules.

□

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1 MR. HOOK: I don't believe so,  
2 Mr. Katarincic.

3 MR. KATARINCIC: Well, I do.

4 MR. HOOK: When you twist a factual  
5 statement and take it out of context, that's  
6 improper questioning of a witness.

7 BY MR. KATARINCIC:

8 Q. Then let me ask you, is it true --

9 MR. HOOK: Perhaps you should show  
10 her the article and let it be read in context.

11 MR. KATARINCIC: She has the  
12 Complaint in front of her.

13 MR. HOOK: The article.

14 MR. KATARINCIC: It's your article,  
15 you prepared the Complaint.

16 MR. HOOK: Don't try to take it out  
17 of context. I've seen Mrs. Rushak looking at  
18 the article over there.

19 BY MR. KATARINCIC:

20 Q. Is this statement true, this case is about  
21 money? If not, what else is it about?

22 A. That sentence is taken out of context. I know  
23 this because I just recently reread that  
24 article. And Mr. Hoffman made it appear that  
25 we were making this case a case for money,